

Amendment No. 12 to SB3424

**Miller
Signature of Sponsor**

AMEND Senate Bill No. 3424*

House Bill No. 3531

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting the amendatory language of Section 20 of the bill as amended in its entirety and by substituting instead the following language:

(a) On receipt of a request from a party or on its own motion, the court may direct the parties to a disputed workers' compensation claim to meet in a benefit review conference to attempt to reach agreement on disputed issues involved in the claim.

(b) Immediately following a benefit review conference, either party may move the court to set the case for final adjudication on an expedited basis.

(c)

(1) At the time of a request for a benefit review conference or a court mandated conference, the division of workers' compensation shall notify the parties in writing of the length of time required to make available a specialist to conduct a conference. If the time period is thirty (30) days or less, then the conference is mandatory for the parties. Notwithstanding any other provision of law or local court rule to the contrary, if the time period exceeds thirty (30) days, then the conference is optional for that case and the division shall inform the parties in writing that the conference is not required. The parties shall cooperate in scheduling a conference. The commissioner is authorized to promulgate rules concerning scheduling pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. A violation of such rules is a basis for a specialist to declare an impasse and conclude a conference.

(2) When a benefit review conference program is mandatory for a case, a court may not conduct a trial or enter an agreed order without a report from a workers' compensation specialist pursuant to § 50-6-240, unless permitted by this section. Prior to trial or the entry of an order, the court shall determine from

the parties whether a benefit review conference was held and whether the division determined that the conference was optional or mandatory.

(3) An employer and employee (or their representatives) may agree in writing to waive a mandatory benefit review conference.